

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

11

DECISION

TOPIC

Notice of Intended Action – Chapters 68: “Commercial Septic Tank Cleaners” and 69 “Onsite Wastewater Treatment and Disposal Systems”

The Environmental Protection Commission is asked to consider changes to IAC Chapters 68 Commercial Septic Tank Cleaners. In the 2005 legislative session HF 834 was passed and signed into law. This law required the following changes to the rules related to pumping and cleaning of rural septic tanks and the disposal of the septage:

- Requires contractors to submit an annual waste disposal management plan.
- Requires an inspection of the sites used for disposal of septage
- Increases the licensing fees and allows the Department to contract for inspection services with county environmental specialists
- Increases fines for violation of these rules
- Establishes a dedicated fund for the deposit of septic tank pumping contractor fees

The Department convened a stakeholders committee in late summer of 2005 to review the rules and suggest changes. The committee was made up of licensed septic pumpers and sanitarians from several areas of the state. Representatives were chosen from urban as well and rural counties. It was decided the chapter is to be rescinded and reissued because of the large number of changes.

Major changes proposed for Chapter 68 include:

- Some new or modified definitions
- The requirement for submission of an annual waste management plan
- Increase in fees from \$25 per year to an average of \$500 per year based primarily upon volume of waste pumped
- Inspection requirements for pump trucks and land disposal sites and the authority to contract with counties to do the inspections
- Requirement that portable toilet waste be only taken to a public wastewater treatment plant
- Clarification of land spreading requirements
- Increases in the fines assessed for violation of the rules from \$25 to \$250

The subrule 69.17(1) which repeats sections of Chapter 68 will be deleted.

The Department is proposing to hold six public hearings, one in each DNR region during May.

Brent Parker
Environmental Engineer Senior
Environmental Services Division

22/24/06

ENVIRONMENTAL PROTECTION COMMISSION

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.172(5), the Environmental Protection Commission for the Department of Natural Resources gives Notice of Intended Action to amend Chapter 68 “Commercial Septic Tank Cleaners” and Chapter 69 “On-Site Wastewater Treatment And Disposal Systems of the Iowa Administrative Code.

The amendments to Chapter 68 would:

- Add and modify definitions
- Require the submission of an annual waste management plan
- Increase fees from \$25 per year to an average of \$500 per year based primarily upon volume of waste pumped
- Require inspections for pump trucks and land disposal sites and grant the authority to contract with counties to do the inspections
- Require that portable toilet waste be only taken to a public wastewater treatment plant
- Clarify land spreading requirements for septage
- Increase the fines assessed for violation of the rules from \$25 to \$250 per day

Amendments to Chapter 69 would delete any repetition of sections of Chapter 68.

These chapters and their amendments were reviewed by DNR Water Supply Section engineers, licensed septic tank pumping contractors, and county sanitarians.

Any interested person may make written suggestions or comments on this proposed amendment prior to May 17, 2006. Such written materials should be directed to Brent Parker, Wastewater Operations Section, Department of Natural Resources, 401 SW 7th Street, Suite M., Des Moines, Iowa 50319-4611; fax (515)725-0348. Persons who wish to convey their views orally should contact the Wastewater Operations Section at (515)725-0337 or at the Water Supply Operations Office, 401 SW 7th St., Des Moines, IA 50309-4611.

Interested persons are also invited to present oral or written comments at public hearings which will be held at the following locations:

Des Moines	May 3, 2006 Wednesday	1:00-4:00	IDNR, Water Supply Section, , 401 SW 7 th St Suite I, Conference Rooms, Des Moines, IA 50309
Mason City	May 4, 2006 Thursday	10:00-12:00	North Iowa Area Community College 500 College Drive PapaJohn Center, Room 224 Mason City, IA 50401
Atlantic	May 9, 2006 Tuesday	1:00-3:00	Atlantic Public Library 507 Poplar St., Meeting Room Atlantic, IA 50022

Storm Lake	May 10, 2006 10:00-12:00 Wednesday	Arrowhead Area Education Agency 824 Flindt Drive, Suite C, Rm 606, Storm Lake, IA 50588
Manchester	May 11, 2002 10:00-12:00 Thursday	Delaware County Fairgrounds 200 East Acers St. Manchester, IA 52057
Washington	May 16, 2002 10:00-12:00 Tuesday	Washington Public Library 120 East Main Washington, IA 52353

Any person who intends to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

Copies of relevant rules may be obtained from Tricia Snyder, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034.

These rules may have an impact on small business.

These rules are intended to implement Iowa Code chapter 455B.172(5).

The following amendments are proposed:

ITEM 1. Rescind IAC 567 – Chapter 68

ITEM 2. Delete IAC – Subrule 69.17(1) and number the second sentence of rule 69.17(455B) as new subrule 69.17(1).

ITEM 3. Adopt new IAC 567 – Chapter 68 as follows:

CHAPTER 68

COMMERCIAL SEPTIC TANK CLEANERS

567—68.1(455B) Purpose and applicability. The purpose of this chapter is to implement Iowa Code subsection 455B.172(5) by providing standards for the commercial cleaning of and the disposal of waste from private sewage disposal systems, and licensing requirements and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private sewage disposal systems.

567—68.2(455B) Definitions. Definitions used in this chapter are listed in alphabetical order as follows: “*Cleaning*” means removal of waste from private sewage disposal systems and other actions incidental to that removal.

“*Commercial septic tank cleaner*” means a person or firm engaged in the business of cleaning and disposing of waste from private sewage disposal systems, including a person or firm that owns and rents or leases portable toilets.

“*Department*” means the Iowa Department of Natural Resources

“*Holding tank for wastes*” means any receptacle for the retention or storage of wastes pending removal for further treatment or disposal.

“*Private sewage disposal systems*” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis. This includes, but is not limited to, septic tanks as defined in 567—subrule 69.1(2); holding tanks for wastes; impervious vault toilets, portable toilets, and chemical toilets as described in 567—Chapter 69.15.

“*Septage*” means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or from a holding tank, when the system is cleaned or maintained.

“*Tank*” means any container which is placed on a vehicle to transport waste removed from a private waste facility.

“*Toilet unit*” means a portable or fixed tank or vessel holding untreated human waste without secondary wastewater treatment that is emptied for disposal. “Toilet unit” does not include a portable or fixed tank or vessel holding untreated human waste that is part of a recreational vehicle or marine vessel

“*Vehicle*” means a device used to transport a tank including a trailer.

“*Waste*” means human or animal excreta, water, scum, sludge, septage, and grease solids from private sewage disposal.

567—68.3(455B) Licensing requirements. Commercial septic tank cleaners must annually apply for and obtain a license from the department before engaging in the commercial cleaning of and disposing of waste from any private sewage disposal system in the state of Iowa. License period will run from July 1 to June 30 of the following year. The owner of a septic tank may clean their own tank without being licensed if all other requirements of this chapter are met.

567—68.4(455B) Licensing procedures.

68.4(1) Application for license. Commercial septic tank cleaners must apply for a license by completing a form provided by the department and submitting it with an annual waste management plan and the license fee to the Department of Natural Resources, License Bureau, Wallace Building, 502 E. 9th St., Des Moines, Iowa 50319. In the case of a commercial septic tank cleaner which is a corporation, partnership, association or any other business entity, the entity itself must apply as provided in this rule. The entity shall designate one person: a partner, officer, manager, supervisor, or other full-time employee to act as its representative for the purpose of applying for a license. Individuals employed by a commercial septic tank cleaner business are not required to be licensed but each cleaning unit (vehicle or tank) must have the license number (except for the year) displayed and a copy of the current license with the cleaning unit.

68.4(2) Waste management plan. The applicant must submit as a part of the application a septage disposal management plan. This plan must also be submitted to the County Board of Health in each county where septage is to be land applied. This plan shall include:

- a. the volume of septage expected to be collected from private sewage disposal facilities,
- b. the volume of septage to be taken to permitted Publicly Owned Treatment Works,
- c. letter of acceptance from any Publicly Operated Treatment Works where waste is proposed to be disposed,
- d. location and area of all sites where septage is to be land applied,
- e. the anticipated volume of septage applied to each site,
- f. the type of crop to be planted on each site and when it is to be planted,
- g. the type of application to be used at each site,
- h. a list of vehicles to be registered and,
- i. previous year's record of disposal as required in 68.6(3) and 68.10(2)c(4)

Allowance may be made in the plan for septage application on the property of the owner of the tank being pumped as long as disposal standards of this chapter are met. A license will be issued only after approval of the waste management plan. If the plan is not approved, it must be modified and resubmitted.

68.4(3) License fee. The initial license application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the Department of Natural Resources. The application fee is \$150 for the first registered vehicle per year and \$50 for each additional vehicle. If the applicant intends to land spread any septage during the year, there will be an additional application fee of \$7 per 1000 gallon of waste to be land applied per year. Land application fees shall be based on the previous year's records. First time applicants shall pay a \$300 annual land application fee if they propose to land spread. New license applicants will be charged monthly prorated fees to the next June 30.

68.4(4) License renewal. In order to remain valid, a commercial septic tank cleaner license must be renewed by June 30 of each year. Renewal application must be made on a form provided by the department, and must be received by the department or postmarked at least 30 days prior to the expiration date. The renewal application form must be accompanied by the license fee specified in subrule 68.4(3), a copy of all waste disposal records as defined in 68.6(3) for the previous year and a revised waste management plan as defined in 68.4(2).

68.4(5) Change in ownership. Within 30 days of the change in ownership of any commercial septic tank cleaner, the new owner shall furnish the department with the following information: (1) name of business and license number; (2) name, address, and telephone number of new owner; and (3) date the change in ownership took place and any change in the waste management plan. The license will transfer with the ownership with no additional fee due until the next renewal date.

68.4(6) Change in address. Within 30 days of any change in the address or location of the business this information must be reported to the department.

68.4(7) Alteration of waste management plan. An amended waste management plan must be submitted before any new property for land application not listed on the existing plan is used or waste is taken to a Publicly Operated Treatment Works not listed on the plan.

567—68.5(455B) Suspension, revocation and denial of license.

68.5(1) Basis for suspension, revocation, and denial. The department may suspend, revoke, or deny a commercial septic tank cleaner license for any of the following reasons:

- a. A material misstatement of facts in a license application.
- b. A failure to provide the adequate license fee.
- c. A failure to provide and adhere to an approved waste management plan.
- d. A failure to satisfy the obligations of a commercial septic tank cleaner and the standards as provided in rules 68.6(455B), 68.89(455B), and 68.910(455B).
- e. A failure to pay any fines assessed under 68.5(2)

68.5(2) Civil penalties. The department may assess civil penalties not to exceed \$250 for violations of this rule. Each day that the violation continues constitutes a separate offense.

68.5(3) Appeal. A commercial septic tank cleaner may appeal the suspension, revocation, or denial of a license under the provisions of 567—Chapter 7.

68.5(4) Reinstatement. In the case of a denial, revocation, or suspension pursuant to paragraph 68.5(1) “b”, or “e,” the department may immediately reinstate or issue a license after receipt of the requisite fee/fine or confirmation that the commercial septic tank cleaner is fulfilling the requirements of rules 68.6(455B) and 68.89(455B). In case of a denial, revocation or suspension pursuant to paragraph 68.5(1) “a”, “c” or “d,” the department may reinstate or issue a license no sooner than 60 days after the denial, revocation, or suspension, if the department is satisfied that the commercial septic tank cleaner has corrected the deficiency and will comply with departmental rules in the future.

567—68.6(455B) Licensee’s obligations.

68.6(1) Supervision. The licensee shall provide supervision for the removal and disposal of waste from private sewage disposal systems.

68.6(2) Standards. The licensee shall meet the standards established in this chapter for the cleaning of and disposal of waste from private sewage disposal systems.

68.6(3) Records. The licensee shall maintain records of private sewage disposal systems cleaned and the location, ~~and~~ method of waste disposal, and volume of waste disposed for each trip. Such records shall be maintained for a period of ~~three~~ five years, and shall be made readily available upon request to county board of health or department officials as well as being submitted with the waste management plan.

567—68.7(455B) County obligations. The county boards of health shall enforce the standards and licensing requirements contained in this chapter and other referenced rules relating to the cleaning of private sewage disposal systems and disposal of waste from such facilities.

567—68.8(455B) Application sites and equipment inspections. All application sites specified on the waste management plan shall be inspected annually by an agent approved by the department to assure that the sites meet the requirements for septage disposal and are being properly managed. All tank trucks and related storage and handling facilities for septage shall be inspected annually to assure compliance with these rules. The department may contract with other entities such as the local county health department to carry out the inspections. However, the department shall retain concurrent authority to determine inspection requirements.

567—68. 9(455B) Standards for commercial cleaning of private sewage disposal systems.

68. 9(1) Vehicles, tanks and equipment. For all vehicles, tanks, and equipment used in the commercial cleaning of private sewage disposal systems the licensee shall:

- a. Prevent the dripping, falling, spilling, leaking, or discharging of waste onto roads, rights-of-way or other public properties.
- b. Provide the equipment necessary for proper cleaning of private sewage disposal systems.
- c. Ensure proper construction and repair of cleaning equipment to allow easy cleaning and maintaining in an essentially rust-free and sanitary condition and appearance.
- d. If septage is to be land spread, provide a mechanism for properly mixing lime with the septage or a means to incorporate or inject the septage.

68.9(2) Septic tank cleaning. Tanks shall be emptied of all waste. Sludge can be loosened by pumping liquid back into the tank or adding dilution water. The tank does not have to be washed out with fresh water, however no more than four inches of waste shall be left in the bottom.

68. 9(3) Miscellaneous.

- a. Any tanks or equipment used for hauling waste from private sewage disposal systems shall not be used for hauling hazardous or toxic wastes as defined in 567—Chapter 131, or other wastes detrimental to land application or wastewater treatment plants; and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.
- b. Pumps and associated piping shall be installed with watertight connections to prevent leakage.
- c. Agitation capability for use in cleaning private sewage disposal systems to disperse sludge and scum into the liquid for proper cleaning shall be provided.
- d. All vehicles shall display the license number (except for the year) assigned to the commercial septic tank cleaner with 3-inch or larger letters and numbers on the side of the tank or vehicle.
- e. The name and address of the license holder shall be prominently displayed on the side of the tank or vehicle in letters at least 3 inches high.
- f. A direct connection shall not be made between a potable water source and the tank or equipment

on the vehicle.

567—68. 10(455B) Standards for disposal. Disposal of wastes from private sewage disposal systems shall be carried out in accordance with the rules established by the department.

68. 10(1) Waste from toilet units shall be disposed of by discharge to a Publicly Owned Treatment Works or other permitted wastewater treatment system with owner approval.

68. 10(2) Septage from septic tanks or other types of private sewage disposal systems that normally discharge effluent for further treatment (such as mechanical/aerobic treatment tanks, siphon tanks or distribution boxes) shall be disposed of according to the following requirements.

a. Discharge to a Publicly Owned Treatment Works or other permitted wastewater treatment system with owner approval.

b. Discharge to permitted septage lagoons or septage drying beds with owner approval.

c. Land application in accordance with the following requirements:

(1) The maximum application rate is 30,000 gallons of septage per 365-day period per acre of cropland. The nitrogen application rate shall be no more than is utilized by the crop. A crop capable of using the nitrogen applied must be grown and harvested from the site after application of the maximum annual allocation or, at a minimum, every third year.

(2) The following site restrictions shall be met when septage is applied to land.

1. Septage shall not be applied to a lawn or a home garden.

2. Septage shall not be applied to land where there is a bedrock layer or seasonal high water table within 3 feet of the soil surface. Determination of these confining layers may be determined by soil type consulting the county USDA soil surveys.

3. Land application sites shall have soil pH maintained above 6.0, unless crops prefer soils with lower pH conditions. If the soil pH is below 6.0, it is acceptable to use agricultural lime to increase the pH to an acceptable level. Soil pH shall be measured and reported as part of the annual waste management plan.

4. The septage shall not be applied to ground having greater than 9 percent slope.

5. If application on frozen or snow-covered ground is necessary, it shall be limited to land areas of less than 5 percent slope and application rates of less than 5000 gallon per acre per day.

6. Septage shall not be applied to land that is 35 feet or less from an open waterway. If septage is applied within 200 feet of a stream, lake, sinkhole or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

7. If the septage is applied to land subject to flooding more frequently than once in ten years, the septage shall be injected or shall be applied to the surface and mechanically incorporated into the soil within 48 hours. Information on which land is subject to flooding more frequently than once in ten years is available from the department.

8. Septage shall not be applied within 750 feet of an occupied residence, except the residence of the owner of the septic tank that was pumped, nor within 500 feet of a well.

9. Crop harvesting restrictions:

- Food crops with harvested parts that touch the septage/soil mixture and are totally above ground shall not be harvested for 14 months after application of domestic septage.
- Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of domestic septage.
- Animal feed, fiber, and those food crops with harvested parts that do not touch the soil surface shall not be harvested for 30 days after application of the domestic septage.

10. Animals shall not be allowed to graze on the land for 30 days after application of septage.

(3) One of the following vector attraction reduction requirements shall be met when septage is applied to land.

1. Septage shall be injected below the surface of the land. No significant amount of the septage shall be present on the land surface within one hour after the septage is injected.

2. Septage applied to the land surface shall be incorporated into the soil within six hours after application to or placement on the land.

3. The septage shall be stabilized by adding and thoroughly mixing sufficient alkaline material such as hydrated or quick lime to produce a mixture with a pH of 12. For example, adding and thoroughly mixing approximately 50 pounds of lime with each 1,000 gallons of septage is usually sufficient to bring the pH to 12 for thirty minutes. Provide a minimum of thirty minutes of contact time after mixing the lime with the septage prior to applying to land. Each container of septage shall be monitored for compliance by testing, using a pH meter or litmus paper, two representative samples of the batch of lime-treated domestic septage taken a minimum of thirty minutes apart to verify that the pH remains at 12 or greater for the minimum 30-minute time period.

(4) When septage is applied to land, the person who applies the septage shall develop the following information and shall retain the information for five years as well as including it in the annually submitted waste management plan:

1. The location, by either street address or latitude and longitude, of each site on which septage is applied.
2. The number of acres and precise application area in each site on which septage is applied.
3. The gallons of waste applied each time.
4. The total gallons applied at each site to date for the year.
5. The date and time septage is applied to each site.
6. The rate, in gallons per acre, at which septage is applied to each site.
7. A description of how the vector attraction reduction requirements are met.
8. The following certification statement shall be provided with the records when the records are submitted or requested by the department:

“I certify, under penalty of law, that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

(5) Other methods of stabilization may be acceptable if shown to be equivalent to 567—68.10(2)c(3)3 above.

d. Discharge (with owner approval) to a permitted sanitary landfill in accordance with 567—Chapters 102 and 103 and the following requirements:

(1) Stabilize the septage by adding and thoroughly mixing sufficient lime to produce a mixture with a pH of 12.

(2) Provide a minimum of thirty minutes ~~two hours~~ of contact time after mixing the lime with the septage prior to applying to the landfill.